

Exhibit A

Diligence Response

RESCAP

MORRISON | FOERSTER

Claim Information

Claim Number	5066
Basis of Claim Explanation that states the legal and factual reasons why you believe you are owed money or are entitled to other relief from one of the Debtors as of May 14, 2012 (the date the Debtors filed their bankruptcy cases) and, you must provide copies of any and all documentation that you believe supports the basis for your claim.	<p>See Attachment</p> <p>Sent/Received JUL 26 2013 To _____ By <u>ys</u></p>

If your claim relates to a mortgage loan that you believe was originated or serviced by one of the Debtors, please be sure to include the following loan information, so that we can effectively search our records for information on your property and loan, and evaluate your claim.

Loan Number: [REDACTED]		
Address of property related to the above loan number: 3201 Milburn Street		
City: Houston	State: Texas	ZIP Code: 77021-1128

Additional resources may be found at - <http://www.kccllc.net/rescap>

Residential Capital, LLC P.O. Box 385220 Bloomington, MN 55438

Claim Number: 5066
Otis L. Collier, Jr.
Type: POC

RESCAP

MORRISON | FOERSTER

June 21, 2013

Claim Number: 5066

Dear Claimant: Otis L. Collier, Jr.

You are receiving this letter because you or someone on your behalf filed a Proof of Claim form in the jointly-administered chapter 11 bankruptcy cases of Residential Capital, LLC ("ResCap"), GMAC Mortgage, LLC and other affiliated debtors and debtors in possession (collectively, the "Debtors") pending before the United States Bankruptcy Court for the Southern District of New York, Case No. 12-12020 (MG) (the "ResCap bankruptcy case"), and we need additional information from you regarding the claim(s) ("claim") you are asserting against one or more of the Debtors.

The Information we Need From You Regarding Your Proof of Claim:

We reviewed a copy of the Proof of Claim form and documents, if any, that you filed in the ResCap bankruptcy case. A copy of your Proof of Claim form is enclosed for your reference. After reviewing the Proof of Claim form and any documents you submitted, we have determined that you did not provide sufficient information to support your "Basis for Claim" and we do not have sufficient information to understand the calculations you used to determine the amount you claim to be owed. In order to evaluate your claim, we need to understand the specific reasons as to why you believe you are owed money or are entitled to other relief from one or more of the Debtors. Please reply using the attached form and provide a written explanation, with supporting documentation, and include a detailed explanation of how you calculated the amount of your claim.

You Must Respond to this Letter by no Later Than July 22, 2013:

In accordance with the Order of the Bankruptcy Court (Docket No. 3294, filed March 21, 2013), you **must** respond to this letter by no later than July 22, 2013 with an explanation stating the legal and factual reasons why you believe you are owed money or are entitled to other relief from one or more of the Debtors as of May 14, 2012 (the date the Debtors filed their bankruptcy cases). You **must** provide copies of any and all documentation that you believe supports the basis for and amount of your claim. A form is included with this letter to assist you in responding to our request for additional information.

Consequences of Failing to Respond:

If you do not provide the requested information regarding the basis for and amount of your claim and the supporting documentation by July 22, 2013, the Debtors may file a formal objection to your Proof of Claim on one or more bases, including that you failed to provide sufficient information and documentation to support your claim. If the Debtors file such an objection and it is successful, your claim may be disallowed and permanently expunged. If your claim is disallowed and expunged, you will not receive any payment for your claim and any other requests you may have made for non-monetary relief in your Proof of Claim will be denied. Therefore, it is very important that you respond by the date stated above with the requested information and documentation supporting the basis for and amount of your claim.

Residential Capital, LLC P.O. Box 385220 Bloomington, Minnesota 55438

Claim Number: 506
Otis L. Collier, J
Type: PO

For Those With a Mortgage Loan Originated or Serviced by One of the Debtors:

If your claim relates to a mortgage loan that you believe was originated or serviced by one of the Debtors, please be sure to include the loan number and property address that the loan relates to in the information and any documentation that you send us, so that we can effectively search our records for information on your property and loan, and evaluate your claim.

Questions:

If you have any questions about this letter, or need help in providing the requested information and document(s), you should contact an attorney. You may also contact the Special Counsel to the Official Committee of Unsecured Creditors' with general questions (contact information provided below):

SPECIAL COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS

SILVERMANACAMPORA LLP

100 Jericho Quadrangle, Suite 300

Jericho, New York 11753

Telephone: 866-259-5217

Website: <http://silvermanacampora.com>

E-mail address: rescapborrower@silvermanacampora.com

You must send the requested information and document(s) supporting your claim on or before the date provided in this letter to either:

- (i) Claims.Management@gmacrescap.com; or
- (ii) Residential Capital, LLC
P.O. Box 385220
Bloomington, Minnesota 55438

Please mark each document you send with the Claim Number referenced above.

Sincerely,

Claims Management
Residential Capital, LLC

¹ Please be advised that SilvermanAcampora LLP does not represent you individually and, therefore, cannot provide you with legal advice.

COMPLAINT INFORMATION

Describe events in the order they occurred, including any names, phone numbers, and a full description of the problem with the amount(s) and date(s) of any transaction(s). Be as brief and complete as possible to make the explanation clear. Do not include personal or confidential information such as your social security, credit card, or bank account numbers.

In December 2009 I had fallen \$6,368.36 behind in my mortgage payments. My wife was not working at the time and my disability checks were not enough for me to catch up with my arrears in my mortgage payments. I thought the best way to rectify this situation should be to ask for a modification of my mortgage, so I did.

I was approved for the modification of the mortgage by the mortgage company. In March of 2010 I started making payments according to the terms agreed upon by the mortgage company. I did so for six months, and was approved for a modification. I waited two months and never received the modification papers. I called the mortgage company to find out where the papers were. I was told that all the papers were being returned addressee unknown. I was told that because the papers had been delayed two months that the papers had to be sent back to the financial department for adjustment. Three months later I received the new mortgage, only to find that financially the mortgage payments were the same with a shorter time of payoff of five years.

I informed the mortgage company that I need a mortgage that would give my wife and I time to recuperate from our loss of income, something along the lines of a adjustable rate mortgage of two or three years. I was told that such a mortgage would not be financially advantageous to the company. I informed the company that I would seek to refinance the loan with the VA or Fha or some other finance company. This was December 2010.

A few weeks later GMAC called me and informed me that they had worked out a mortgage that was suitable with my finances. I waited and waited and they kept telling me the mortgage was coming. They had me fill out at least three financial statements during this time.

Finally in October of 2011 I went to a NACA symposium to seek help settling this matter. It was at this time that I was told

Please be advised that the issues described in this complaint will be shared with the financial institution or company in question.

FINANCIAL INSTITUTION OR COMPANY INFORMATION THAT IS SUBJECT OF THE COMPLAINT

Helpful Hint: If you do not know the name of your bank, check your bank or credit card statement. The bank's name will be indicated on the statement.

*Name of Financial Institution or Company: GMAC Mortgage, LLC		
Street Address: 4375 Jutland Drive, Suite 200, P. O. Box 17935		
*City: San Diego	*State: CA	Zip: 92177-0935
Phone: (858) 750-7600		
*Type of Account(s) (Check all that apply): Deposit Account (Checking, Savings): <input type="checkbox"/> Credit Card <input type="checkbox"/>		
Loan Product (Consumer, Mortgage, Home Equity): <input checked="" type="checkbox"/> Asset Management (Trust Accounts): <input type="checkbox"/>		
Consumer Leasing: <input type="checkbox"/> Non-Deposit Account (Investments): <input type="checkbox"/> Insurance: <input type="checkbox"/> Other: <input type="checkbox"/>		
Have you tried to resolve your complaint with your financial institution or company? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If Yes, when? October 2010	How? Phone <input checked="" type="checkbox"/> Mail <input type="checkbox"/> In Person <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
Contact Name: Claire A. Mock	Title: Attorney	
Has the bank responded to you? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If Yes, when? October 2011	How? Phone <input checked="" type="checkbox"/> Mail <input checked="" type="checkbox"/> In Person <input checked="" type="checkbox"/> Other <input type="checkbox"/>	



Comptroller of the Currency
Administrator of National Banks

CUSTOMER COMPLAINT FORM

Please fill in this form completely. Mail or fax this completed complaint form to:

Office of the Comptroller of the Currency
Customer Assistance Group
1301 McKinney Street, Suite 3450
Houston, TX 77010-9050
1-713-336-4301 (Fax)

Once we receive your completed form, you will receive an acknowledgment letter containing your assigned case number. Please keep your case number for future contact with our office.

Helpful Hints:

Check to make sure your financial institution is a National Bank. If you do not know the name of your bank, check your bank or credit card statement. The bank's name will be indicated on the statement.

Have you tried to resolve your complaint with your financial institution? The OCC recommends that you attempt to resolve your complaint with your financial institution first. Please contact your financial institution to allow them the opportunity to resolve your issue(s).

If your complaint involves more than one financial institution, you will need to submit a separate complaint form for each institution involved. You will receive separate case numbers for each institution.

Please Note:

- We cannot act as a court of law or as a lawyer on your behalf
- We cannot give you legal advice
- We cannot become involved in complaints that are in litigation or have been litigated

YOUR INFORMATION

The Account Owner/Holder should complete this section.

* - Indicates Required Fields

*First Name: Otis		Middle Name: L.	
*Last Name: Collier, Jr.			
*Street Address: 3201 Milburn Street			
*City: Houston		*State: TX	*Zip: 77021
*Phone: (713) 748-3131			
Email: olceee@gmail.com			
What is the best way to contact you? Phone <input checked="" type="checkbox"/> Mail <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/>			
What is the best time to contact you? Morning <input checked="" type="checkbox"/> Afternoon <input checked="" type="checkbox"/> Evening <input checked="" type="checkbox"/>			

REPRESENTATIVE CONTACT INFORMATION

If you want us to communicate with your attorney or other legal representative directly, please provide the information below. Your submission of this portion of the form authorizes our office to release information to your attorney or other legal representative if requested. Please check the following to indicate the type of relationship:

Attorney ☒ Legal Representative ☐

Please indicate the type of authorization you have granted to your attorney or other legal representative:

Power of Attorney ☐ Letters Testamentary ☐ Court Appointed Executor or Administrator ☐ Other ☐

If you are not sure of the type of legal authorization granted, please check your legal documents or consult with your attorney or other legal representative.

Name of Representative:

*First Name:		Middle Name:	
*Last Name:			
*Street Address:			
*City:		*State:	*Zip:
*Phone:			
Representative Email:			
What is the best way to contact your representative? Phone <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/>			
What is the best time to contact your representative? Morning <input type="checkbox"/> Afternoon <input type="checkbox"/> Evening <input type="checkbox"/>			

B 10 Modified (Official Form 10) (12/11)

Claim #5066 Date Filed: 11/15/2012

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

PROOF OF CLAIM

Name of Debtor and Case Number: Residential Capital, LLC, Case No. 12-12020

NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

OTIS L. COLLIER, JR.

Name and address where notices should be sent:

OTIS L. COLLIER, JR.
3201 MELBURN STREET
HOUSTON, TX 77021-1128

Telephone number: 713 748-3131

email: OLCJEE@GMAIL.COM

Name and address where payment should be sent (if different from above):

N/A

Telephone number:

email:

1. Amount of Claim as of Date Case Filed: \$ 28,766.53

If all or part of the claim is secured, complete item 4.

If all or part of the claim is entitled to priority, complete item 5.

Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges. MODIFIED IS, VS. STATE LAW, TRUE FAITHFUL

2. Basis for Claim: LENDING LAW, DISTRICT JUDICIAL DISTRICT

3. Last four digits of any number by which creditor identifies debtor: 1234 5152

3a. Debtor may have scheduled account as:

Alison Teamen OTIS L. COLLIER
(See instruction #3a) COLLIER

3b. Uniform Claims Identifier (optional):

(See instruction #3b)

4. Secured Claim (See instruction #4)

Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other

Describe:

Value of Property: \$ 125,000.00 Annual Interest Rate 5.5 % ☒ Fixed ☐ Variable
(when case was filed)

Amount of arrears and other charges, as of the true case was filed, included in secured claim.

if any: \$ 6,800.36

Basis for perfection: MORTGAGE MODIFICATION

Amount of Secured Claim: \$ 243,885

Amount Unsecured: \$ 120,815

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ N/A

(See instruction #6)

7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

9. Signature: (See instruction #9) Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)

☒ I am the trustee, or the debtor, or their authorized agent.
(See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or other codebtor.
(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: OTIS L. COLLIER, JR.

Title: OWNER

Company: N/A

Address and telephone number (if different from notice address above):

N/A

N/A

Telephone number:

N/A

Email: N/A

☐ Check this box if this claim amends a previously filed claim.

Court Claim Number: _____
(If known)

Filed on: _____

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.

☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. § 507 (a)(4).

☐ Contributions to an employee benefit plan - 11 U.S.C. § 507 (a)(5).

☐ Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507 (a)(7).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507 (a)(8).

☐ Other - Specify applicable paragraph of 11 U.S.C. § 507 (a)().

Amount entitled to priority:

\$ _____

* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

RECEIVED

NOV 15 2012

KURTZMAN CARSON CONSULTANTS

GMAC Mortgage

Visit us at www.gmacmortgage.com for account information or to apply on-line.

(713) 748-3131

20

HISTORICAL AND CONTEMPORARY



Customer Care Inquiries: 1-800-766-4822
Home Financing Needs: 1-855-690-8322

Please verify your mailing address, borrower and co-borrower information. Make necessary corrections on this portion of the statement, detach and mail to address listed for requests on the reverse side.

Details of Amount Due/Paid

Principal and Interest	\$1,335.16
Subsidy/Buydown	\$0.00
Escrow	\$224.19
National Union 800-316-5138	\$24.90
National Union 800-316-5138	\$5.50
Amount Past Due	\$3,179.50
Outstanding Late Charges	\$1,444.46
Other	\$154.65
Total Amount Due	\$6,368.36
Account Due Date	January 21, 2010

**For questions on the servicing of your account,
call 1-800-765-4622.**

Description	Post Date	Tran. Date	Tran. Total	Principal	Interest	Escrow	Add'l Products	Late Charge	Other
PD SPEEDPAY FEE	12/21/09	02/19/10	\$12.50						\$12.50
SPEEDPAY FEE	12/21/09	02/19/10	\$12.50						\$12.50
Payment	12/21/09	02/19/10	\$1,584.25	\$327.97	\$1,007.19	\$224.19	\$24.90		


*This is your Principal Balance only, not the amount required to pay the loan in full. For payoff figures and mailing instructions, call the Customer Care number above or you may obtain necessary payoff figures through our automated system (24 hours a day, 7 days a week). See back for automatic payment sign-up information and other payment options.

Your special Repayment Plan request has been honored. Your next installment due is 03/20/10 in the amount of \$4,748.21.

As a reminder, there are no grace days on repayment plans. Any questions you have regarding this statement or your account may be directed to the number above.

See Reverse Side For Important Information

Malt This Portion With Your Payment

Account Number	Repayment Plan Due Date	Repayment Plan Payment Amount	Late Fee	Amount With Late Fee	Past Due Amount	Total Amount Due	GMAC Mortgage
7439789034 OTIS L. COLLIER	03/20/10	\$4,748.21					
Please assist GMAC Mortgage in applying your payment							<div style="border: 1px solid black; padding: 5px; text-align: center;"> Sign here to enroll in monthly ACH. (See back for details.) </div>
Full Payment(s)		\$					
ADDITIONAL Principal		\$ XXX					
ADDITIONAL Escrow		\$ XXX					
Late Charge		\$ XXX					
Other Fees (please specify)		\$ XXX					
Total Amount Enclosed		\$					
				GMAC MORTGAGE PO BOX 79135 PHOENIX AZ 85062-9135			
							

GMAC MORTGAGE
PO BOX 79135
PHOENIX AZ 85062-9135



CUSTOMER INFORMATION

Name: Otis L Collier
 Account Number: [REDACTED]
 Home Phone #: (713)748-3131

PROPERTY ADDRESS

3201 MILBURN STREET
 HOUSTON TX 77021

GMAC Mortgage

Visit us at www.gmacmortgage.com for account information or to apply on-line.

11/25/09 11:03 000945 20100200 J0088003 GMFRE 1 02 DOM J00000000 148315 GM

#BWNHJPY
 #KW75521H32552#



OTIS L COLLIER
 PO BOX 1912
 HOUSTON TX 77251-1912



Customer Care Inquiries: 1-800-766-4622
Home Financing Needs: 1-866-690-8322

Please verify your mailing address, borrower and co-borrower information. Make necessary corrections on this portion of the statement, detach and mail to address listed for inquiries on the reverse side.

Account Number [REDACTED]
 Current Statement Date February 08, 2010
 Maturity Date June 21, 2035
 Interest Rate 5.50000
 Current Principal Balance* \$219,749.97
 Current Escrow Balance \$1,298.61-
 Interest Paid Year-to-Date \$1,008.68
 Taxes Paid Year-to-Date \$0.00

Principal and Interest \$1,335.16
 Subsidy/Buydown \$0.00
 Escrow \$224.19
 National Union 800-316-5138 \$24.90
 National Union 800-316-5138 \$5.50
 Amount Past Due \$3,174.00
 Outstanding Late Charges \$1,444.46
 Other \$154.65
 Total Amount Due \$6,362.86
 Account Due Date December 21, 2009

**For questions on the servicing of your account,
 call 1-800-766-4622.**

Account Activity Since Last Statement

Description	Due Date	Tran. Date	Tran. Total	Principal	Interest	Escrow	Add'l Products	Late Charge	Other
PD SPEEDPAY FEE	11/21/09	01/20/10	\$7.50						\$7.50
SPEEDPAY FEE	11/21/09	01/20/10	\$7.50						\$7.50
Payment	11/21/09	01/20/10	\$1,584.25	\$326.48	\$1,008.68	\$224.19	\$24.90		

*This is your Principal Balance only, not the amount required to pay the loan in full. For payoff figures and mailing instructions, call the Customer Care number above or you may obtain necessary payoff figures through our automated system (24 hours a day, 7 days a week). See back for automatic payment sign-up information and other payment options.

Important News

Your special Repayment Plan request has been honored. Your next installment due is 02/20/10 in the amount of \$1,584.25.

As a reminder, there are no grace days on repayment plans. Any questions you have regarding this statement or your account may be directed to the number above.

See Reverse Side For Important Information

installment payment due for May 21, 10 and the obligation secured by the lien sought to be foreclosed is in default.

- A. As of **June 14, 2013**, the loan agreement is in default a total of **37 months**, including the May, 2013 payment.
- B. As of **June 14, 2013**, the total amount to cure the debt is **\$69,369.45**.
- C. As of **June 14, 2013**, the amount required to payoff the lien is **\$271,721.97.**¹

12. Petitioner and/or its attorney has provided the requisite notice of default/notice of intent to accelerate and notice of acceleration to **Otis L. Collier, Jr.** (who signed the Note). Said notices were given by letter dated **December 19, 2012**, and **February 12, 2013**, respectively, and mailed to **Otis L. Collier, Jr.** at the last known mailing address of **3201 Milburn Street, Houston, TX 77021** as reflected in the records of Petitioner. The notice of default/right to cure/notice of intent to accelerate and notice of acceleration were given in accordance with Texas Property Code § 51.002, the Deed of Trust and applicable Texas law. The opportunity to cure has expired, and all other actions required under applicable Texas law and the loan agreement has been performed.

THIS APPLICATION IS NOT BEING SOUGHT AGAINST THE OCCUPANT OF THE PROPERTY UNLESS THE OCCUPANT IS ALSO NAMED AS A RESPONDENT IN THE APPLICATION.

IF THE PETITIONER OBTAINS A COURT ORDER, THE PETITIONER WILL PROCEED WITH A FORECLOSURE OF THE PROPERTY IN ACCORDANCE WITH APPLICABLE LAW AND THE TERMS OF THE LIEN SOUGHT TO BE FORECLOSED.

13. Petitioner is informed and believes that the last known mailing address for Respondent(s) is: **3201 Milburn Street, Houston, TX 77021**. Petitioner's Certificate of Last

¹ The amounts referenced herein do not include attorneys' fees and costs associated with this Application. Interested parties can obtain an exact payoff and/or reinstatement quote by contacting Petitioner's undersigned counsel.

Otis L. Collier, Jr.
3201 Mibum Street
Houston, TX. 77021-1128
Tel. (713) 748-3131 Fax (832) 615-6700

July 21, 2013

Account Number 

Residential Capital, LLC
P. O. Box 385220
Bloomington, Minnesota 55438

Claim Number: 5066

Certified Mail: 7012 1640 0002 0206 5602

Sirs:

In response to your proof of claim dated, June 21, 2013, concerning the Order of the Bankruptcy Court (Docket No. 3291, filed March 21, 2013), following is my response, and proof of claim.

1. My Financial Claim

On my claim form dated, November 14, 2012, I provided a claim balance of \$128,885. I valued my property at \$125,000.00, with an interest rate of 5.50%. The amount of rearrange of \$6,368.36. The basis for perfection was the fact that GMAC illegally granted a modification of my mortgage. Secured claim of \$243,885.00, and an amount unsecured of \$128,885. I arrived at these figures simply by taking the amount owed on my mortgage (243,885) minus the actual value of my property (125,000.00), which leaves an unsecured amount of \$128,885.00. Enclosed is a copy of my mortgage statement at the date, March 10, 2010, that I filed for a modification, and the amount stated by phone from GMAC at the time I filed my claim \$243,885.00. Now, as evidenced by the inclosed statement I owe \$271,721.97 which changes the unsecured amount to \$146,721.97.

2. My Explanation of Facts

As stated in my claim, for beginners as stated I am not a lawyer an therefore GMAC knew, or should have known, that Texas state law would not allow a modification on an equity loan, and I should have been made aware of that fact upon my submission for a modification. That if I had accepted the terms of the modification I was offered that it would not have legal baring in Texas. The terms and possible ramifications of my equity mortgage were neither explicitly spelled out, nor verbally explained to me at the signing of the mortgage constituting a violation of the True Faith in Lending Law. That the law was so ambiguous that by your own admission in your response to my filling that you quote Section 50(a)(6) of the Texas Constitution, and I have yet to find the written mention of this law in my loan as you claimed in paragraph 4, page 2, of your response, and if it was mentioned, how many real estate lawyers would be able to explain this law without consulting the law library. It took you until March 22, 2011 for your lawyers to discover this law by your own admission (paragraph 2, page 2 of your response). By offering me a modification it is obvious that GMAC's lawyer's had no

idea of the existence or knowledge of this section of the law. You also state that I stated in my claim that I admitted that I sought another mortgage from another financier, paragraph 5, page 2, see copy of hardship letter, statement marked, but no where did I state that I did so, but I stated in my hardship statement that because of a problem with my mortgage broker I failed to secure a fixed rate mortgage before my adjustable rate mortgage matured, and that took place before GMAC assumed my mortgage. If I had lost considerable equity in my house then why would GMAC refinance my home with an equity loan of \$204,000.00. It was because of your constant offers of a modification that it froze me from seeking other financing; financing that I would have had a lot better chance of obtaining if GMAC had told me to start with that I was not eligible for a modification from the submission of my application. If the average person is told that they have been approved for a loan, why go to the trouble looking for further financing, especially when one refuses the first loan and is called an offered another loan, and that's what happened to me before I could look for alternate financing. Check the included copy of my statement where it is marked what I said. So to sum things up we would not be where we are today if, 1. you had never broke state law by offering me a modification, 2. that if I had been explained the ramifications of signing an equity loan I would never have signed it, 3. you told me that refinancing my loan wasn't financially advantageous in December, 2010 when I declined your first modification offer, and 4. you continually offered me a modification until at least according to you until August 2011, see paragraph 4, page 2, of your response to my complaint.

You erred in so many ways that I do not know if you acted in bad faith, or that you were just plain negligent and ignorant of the law, which is no defense.

Sincerely,



Otis L. Collier, Jr.



Owen Loan Servicing, LLC

PO Box 780

Waterloo IA 50704-0780

HELPING HOMEOWNERS IS WHAT WE DO!™

OCWEN.MORTGAGEBANKSITE.COM

May 3, 2013

Otis L Collier
3201 Milburn Street
Houston TX 77021

RE: Account Number: [REDACTED]
Property Address: 3201 Milburn Street
Houston TX 77021

Dear Otis L Collier,

This letter is to acknowledge receipt of an inquiry from the Consumer Financial Protection Bureau regarding the above referenced account. We are researching this request and will respond within 30 calendar days.

If you have any further questions, please contact me at 1-800-627-0128, option 2, extension 2365373.

Sincerely,



Bryan Duggan
Executive Account Manager

Attention Texas Residents:

Texas law requires we provide you with the following information. Complaints regarding the servicing of your mortgage should be sent to the following:

Department of Savings and Mortgage Lending
2601 North Lamar, Suite 201
Austin TX 78703

Email: smlinfo@sml.texas.gov

A complaint form and instructions may be downloaded and printed from the Department's website at www.sml.texas.gov or by mail or by phone at 877-276-5550.



OCWEN

Ocwen Loan Servicing, LLC

PO Box 780

Waterloo IA 50704-0780

HELPING HOMEOWNERS IS WHAT WE DO!™

OCWEN.MORTGAGEBANKSITE.COM

May 8, 2013

Ottis L. Collier
3201 Milburn Street
Houston TX 77021

RE: Account Number [REDACTED]
CFPB Case Number 130429-000945
Property Address 3201 Milburn Street
Houston TX 77021

Dear Mr. Collier:

This letter is in response to electronic correspondence received by Ocwen Loan Servicing, LLC (Ocwen) on April 30, 2013, from the Consumer Financial Protection Bureau (CFPB) regarding the concern you directed to that office. Specifically, this is regarding the request for a loan modification.

As a result of the 2012 Chapter 11 Residential Capital, LLC bankruptcy filing, a portion of the servicing platform and certain related assets of GMAC Mortgage, LLC (GMACM) were sold to Ocwen effective February 16, 2013. As part of that sale, Ocwen acquired the servicing and records for this account. Ocwen's response is therefore based upon the account records acquired from GMACM as well as account records maintained by Ocwen.

GMACM records indicate a permanent loan modification was approved in June 2008. GMACM received signed permanent loan modification documents from you in July 2008. A copy of the signed permanent loan modification documents are enclosed for your records.

GMACM received a partially complete financial analysis package in February 2010 requesting a second loan modification on the account. Once GMACM received a complete financial analysis package, the account was reviewed for a loan modification under the Home Affordable Modification Program (HAMP). GMACM was unable to offer a loan modification under HAMP; however, a trial loan modification was approved under a non-HAMP (traditional) loan modification program.

The trial loan modification consisted of three payments in the amount of \$1,725.07 due in May 2010, June 2010 and July 2010. You successfully completed the trial loan modification and GMACM approved a permanent loan modification. Permanent loan modification documents were mailed on July 13, 2010. The permanent loan modification documents were sent by regular mail as at that time your mailing address was a post office box and Federal Express could not deliver to that address.

In September 2010, GMACM records indicate you contacted them and advised that you did not receive the permanent loan modification documents. The account was reviewed again for accuracy and a permanent loan modification was approved on September 21, 2010 and updated loan modification documents were mailed by regular mail.

GMACM did not receive signed loan modification documents and in December 2010, the account was again reviewed and a permanent loan modification was approved. Documents were again mailed by regular mail. On January 12, 2011, GMACM records reflect you contacted them and advised that the permanent loan modification documents were received; however, you were not able to remit the required payment contribution of \$1,725.07

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Account Number [REDACTED]
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by January 21, 2011. GMACM did not receive signed permanent loan modification documents or the required payment contribution and the permanent loan modification was cancelled on March 4, 2011.

GMACM received an updated financial analysis package on March 22, 2011. Subsequent to the previous loan modification review, GMACM began to review accounts in Texas to determine if the mortgage loan was originated as an extension of credit as defined by Section 50(a)(6), Article XVI of the Texas Constitution. As this mortgage loan was originated under this section GMACM was unable to offer a loan modification.

The Home Equity law, Section 50(a)(6) of the Texas Constitution does not specifically permit or prohibit a modification of a home equity loan. However, there are provisions within the law that make it difficult, if not impossible, to modify a home equity loan.

A Texas home equity loan must be repaid in substantially equal successive periodic installments. The test is not that the payments must be substantially equal after the modification; it is that the payments must be substantially equal for the entire term of the loan. The majority of modifications are intended to reduce the monthly payment to an affordable amount. This is not possible for a Texas home equity loan.

As this verbiage is in your Note, the account was not eligible for a loan modification. A letter was mailed to you on March 25, 2011 (copy enclosed). Subsequent loan modification requests in August 2011 and December 2011 were denied due to the Texas Home Equity verbiage on the closing documents.

In your correspondence to the CFPB you claim that GMACM kept you from seeking another loan from another source. GMACM was unable to prevent you from discussing refinance options with any company. Your hardship letter (copy enclosed) you provided with the financial analysis package received by GMACM in February 2010 stated that you had attempted to refinance but had issues with your mortgage broker and had "lost considerable equity in my house and could not get an appraisal to match the amount I already owed on my house." By your letter, you had already explored refinancing prior to contacting GMACM in February 2010 for a second loan modification.

If you wish to discuss other options, such as a short sale or deed-in-lieu of foreclosure you may contact Ocwen at 800-850-4622. You may want to seek advice regarding your next steps. We suggest you call 800-CALL-FHA (800-225-5342) to locate a HUD-certified housing counseling agency. You may also want to call 888-995-HOPE (888-995-4673) to request assistance from a HUD-approved housing counselor.

As of the date of this letter, the account is past due for the May 21, 2010 and subsequent payments and is in foreclosure; however, a sale date is not currently scheduled.

I trust that this letter addresses any concerns you may have with this matter. If you have any further questions, please contact me at 800-627-0128, option 2, extension 2365373 or directly at 319-236-5373.

Sincerely,



Bryan Duggan
Executive Account Manager

Enclosures

cc: Consumer Financial Protection Bureau
Submitted Electronically

Ocwen Loan Servicing, LLC is a debt collector attempting to collect a debt: any information obtained will be used for that purpose.

that GMAC could not modify my mortgage because state law would not allow modifications of equity loans. Therefore after more than a year of GMAC promising me something that by state law was illegal, latterly keeping me from seeking a mortgage from another source, VA, FHA, etc., while I still had a decent credit record, and not telling me that a \$6368.36 arrearage in my mortgage that I could have cured with a loan from almost any personal loan, or financial institution was not more than \$40,000.00 with legal fees, and not a credit record that was a disgrace because of them that they (GMAC) was going to foreclose on my property.

To date I have held off foreclosure but am told that my arrearage is now \$267,380.97. For three years I have not been able to live in peace for fear of at any time I may lose my home because GMAC failed to tell me when I first applied for a modification that state law did not allow such loans on equity loans. Not only did they fail to inform me of the law, but they went as far as to offer me an illegal mortgage that if I had accepted would have no validity in the state of Texas.

PRIVACY ACT STATEMENT

The solicitation and collection of this information is authorized by 15 U.S.C. § 57a(f) and 12 U.S.C. 1 et seq. The information is solicited to provide the Office of the Comptroller of the Currency (OCC) with data that is necessary and useful in reviewing requests received from individuals for assistance in their interactions with national banks. The provision of requested information is voluntary. However, without such information, the ability to complete a review or to provide requested assistance may be hindered. It is intended that the information obtained through this solicitation will be used within the OCC and provided to the national bank that is the subject of the complaint or inquiry. Additional disclosures of such information may be made to: (1) other third parties when required or authorized by statute or when necessary in order to obtain additional information relating to the complaint or inquiry; (2) other governmental, self-regulatory, or professional organizations having: (a) jurisdiction over the subject matter of the complaint or inquiry; (b) jurisdiction over the entity that is the subject of the complaint or inquiry; or (c) whenever such information is relevant to a known or suspected violation of law or licensing standard for which another organization has jurisdiction; (3) the Department of Justice, a court, an adjudicative body, a party in litigation, or a witness when relevant and necessary to a legal or administrative proceeding; (4) a Congressional office when the information is relevant to an inquiry initiated on behalf of its provider; (5) Other governmental or tribal organizations with which an individual has communicated regarding a complaint or inquiry about an OCC-regulated entity; (6) OCC contractors or agents when access to such information is necessary; and (7) other third parties when required or authorized by statute.

I certify that the information provided on this form is true and correct to the best of my knowledge.

I Certify ☒

I Do Not Certify ☐

Date: April 16, 2013

Signature: 

We will mail you a written acknowledgment within five (5) business days of receipt of your completed complaint form containing your assigned case number. Please utilize your case number for future contact with our office. If you have any questions regarding this case, please call 1-800-613-6743.

If a valid OMB Control Number does not appear on this form, you are not required to complete this form.

12-120

Doc 8251-2

3/05/15

03/05/15

Exhibit A

Otis L. Collier, Jr.
3201 Milburn Street
Houston TX 77021-1128

7012 1640 0002 0206 5602

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55438

U.S. POSTAGE
PAID
HOUSTON, TX
77021
JUL 22, '13
AMOUNT

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Residential Capital, LLC
P. O. Box 385220
Bloomington MN 55438-5220